

Procedure 56(c) provides that summary judgment may be granted if, drawing all inferences in favor of the non-moving party, "the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law." Plaintiff's motion fails to demonstrate that the undisputed facts of record warrant judgment in plaintiff's favor as a matter of law. To the contrary, plaintiff has failed to present undisputed material facts in support of his motion. Merely citing to allegations plaintiff claims he can testify to and placing a zealous interpretation on any evidence or information to the contrary does not present undisputed material facts. Nor does selective interpretations of testimony or affidavits advanced by the opposing party. Furthermore, plaintiff has failed to present clear and concise references to the record to support the "facts" he does advance in his motion. Finally, the pleadings, depositions and answers to interrogatories and admissions on file demonstrate clearly that the "facts" advanced by plaintiff in support of his motion are at the very least disputed through competent evidence to the contrary. Accordingly, plaintiff's motion must be denied.



David Stewart Cercone
United States District Judge

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